



# *Respiratory Care Board of California*

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ARNOLD SCHWARZENEGGER, Governor

## **PUBLIC SESSION MINUTES**

**Friday, June 13, 2008**

**Department of Consumer Affairs  
First Floor Hearing Room S-102 (South Building)  
1625 North Market Blvd.  
Sacramento, CA 95834  
(800) 952-5210**

**Members Present:** Larry Renner, BS, RCP, RRT, RPFT, President  
Barbara Stenson, RCP, RRT, Vice-President  
Lupe V. Aguilera  
Sandra Magaña  
Murray Olson  
Richard Sheldon, M.D.  
Charles Spearman, MSED, RCP, RRT (Arrived at 10:15a.m.)

**Members Absent:** Gopal Chaturvedi

**Staff Present:** LaVonne Powell, Legal Counsel  
Dianne Dobbs, Legal Counsel  
Stephanie Nunez, Executive Officer  
Christine Molina, Staff Services Manager  
Liane Zimmerman, Staff Services Manager  
Stephanie Aguirre, Staff Services Analyst

### **CALL TO ORDER**

The Public Session was called to order at 9:35 a.m. by President Renner. A quorum was present.

President Renner introduced Lupe Aguilera, the Board's newest member. The Board welcomed her.

### **APPROVAL OF MARCH 13, 2008 PUBLIC SESSION MINUTES**

Dr. Sheldon moved to approve the March 13, 2008 Public Session Minutes as written.

M/Sheldon/S/Stenson

Ayes: Aguilera, Olson, Renner, Sheldon, Stenson

Abstain: Magaña

MOTION PASSED

### **CLOSED SESSION**

The Board convened into Closed Session, as authorized by Government Code Section 11126(c), subdivision (3), at 9:36 a.m. and reconvened into open session at 10:08 a.m.

### **FISCAL REVIEW**

(Larry L. Renner, President)

Ms. Nunez advised the Board that revenues and expenditures during recent fiscal years have resulted in a sound fund. She then entertained questions regarding the Fiscal Review report.

Dr. Sheldon moved to recognize the Executive Officer and staff for their continuous fiscal responsibility related to the Board's budget.

M/Sheldon/S/Olson

Unanimous: Aguilera, Magaña, Olson, Renner, Spearman, Stenson

MOTION PASSED

### **ENFORCEMENT STATISTICS**

(Gopal Chaturvedi, Chair - Absent)

President Renner entertained questions from the Board regarding the enforcement statistics.

Ms. Nunez informed the Board that there have been 1,228 new applications received so far this fiscal year and that the final number of applications are expected to exceed last years figure. She added that 180 new applications were received in May 2008 and another 92 from June 1-10, 2008.

In addition, Ms. Nunez explained that the enforcement budget increased due to an increased number of cases previously referred to the Division of Investigation.

## **RCB OBSERVATION OF CoARC SITE VISIT**

(Murray Olson, Member)

Mr. Olson reported that he had a positive experience during his recent site visit. He explained that it was a very thorough review process, although he did have some concern with the ten-year gap between evaluations.

Ms. Nunez reminded the Board that concerns have been expressed by educators, former students, and even employers with regard to the quality of the education being provided, inconsistencies related to the number of clinical hours required, and with the fact that there seems to be nowhere to go to file a complaint against a school. As a result of previous discussions regarding these issues, CoARC agreed to allow a representative of the Board to observe California site visits. Ms. Nunez asked the Board if there is any additional action it would like to take with regards to the California respiratory care programs.

Discussion ensued.

President Renner explained that the site visits can be positive in the sense that the Board is able to observe the process and identify the pros and cons.

Coming away from his site visit, Mr. Olson asked if the Board is able to observe all site visits and if it can create its own review form.

Ms. Powell stated that the observers are required to sign a confidentiality agreement, therefore, there may be an issue with the creating of a form to record information from the visit. President Renner stated that he would support the abolishment of the confidentiality agreement and the creation of a review form.

President Renner moved that a conference call be set up with the CoARC, their new director, and Board staff to discuss options to solidify this issue and discuss the confidentiality agreement.

M/Renner/S/Sheldon

Further discussion ensued.

Vice-President Stenson suggested that the Board set up a forum to meet with employers as a means to identify their exact concerns which can then be relayed to CoARC.

President Renner expanded his motion to include the CSRC and the NBRC and two members of the committee to participate in a conference call.

Ms. Powell explained that a motion is not needed for the conference call, nor will the conference call need to be noticed publicly since there will only be two members participating.

Mr. Spearman inquired as to whether or not the Board has the authority to reject the education provided by a respiratory program if the school had received a poor evaluation. Ms. Powell responded that if the Board chose to do that, it would have to amend its statute.

The Board decided that it would like to continue observing CoARC site visits.

President Renner thanked Vice-President Stenson and Mr. Olson for taking the time to participate as observers during the recent site visits.

### **STRATEGIC PLAN FINAL REVIEW**

(Larry L. Renner, RCP, President)

President Renner commended MIG, Inc. for its exceptional job during the strategic planning session and in the preparation of the proposed strategic plan.

Dr. Sheldon moved to approve the strategic plan as written.

Ms. Nunez requested that the Board consider the following changes to the proposed strategic plan:

Page 8, 1<sup>st</sup> Sentence:

Move sentence reading, "Keeping RCP licensure requirements up to date with the latest science, technology and other medical advancement" to the Professional Qualifications section.

Page 8, Practice Standards, 1<sup>st</sup> Sentence:

Move and amend sentence reading, “Establishing concurrent therapy standards” to the Outreach section.

Page 12, Ongoing Responsibilities, 2<sup>nd</sup> Sentence:

Change to read “Encourage the development and capacity of accredited respiratory care programs to match demand.”

Page 13, Goal:

Change to read “Protect consumers by preventing violations and effectively enforcing laws and regulations when violations occur.”

Page 13, Ongoing Responsibilities:

Change the lead responsibility in the second and third sections from “Education Committee” to “Enforcement Committee.”

Page 13, Ongoing Responsibilities, 4<sup>th</sup> Section:

Move to Professional Qualifications section of plan.

Page 13, Objective, 2.2:

Change to read “Strengthen the means to enforce mandatory reporting among agencies employing traveling registry, or temporary respiratory care practitioners.”

Page 14, Practice Standards, Goals:

Change to read “Establish emergency response standards for respiratory care practice in California.”

Page 14, Ongoing Responsibilities:

Move sentence to the Enforcement section of the plan.

Page 14, Objective, 3.2:

Move this sentence to the Organizational Effectiveness section of the plan and change it to read “Review terms, conditions and requirements under which hearings for respiratory care practitioners are brought before the Board.”

Page 17, Organizational Effectiveness, Goal:

Change to read “Enhance organizational effectiveness and improve processes and the quality of customer service in all programs.”

Page 17, Objective, 5.1, Target Date:

Change the target from December 2009 to December 2010.

Page 17, Objective:

Include 3.2 from page 14. It reads “Review terms, conditions and requirements under which hearings for respiratory care practitioners are brought before the Board.”

Dr. Sheldon amended his motion to approve the strategic plan with the recommended changes made by Ms. Nunez.

M/Sheldon/S/Olson

Unanimous: Aguilera, Magaña, Olson, Renner, Sheldon, Spearman, Stenson

MOTION PASSED

### **LEGISLATION OF INTEREST**

(Larry L. Renner, RCP, Chair)

President Renner entertained questions from the Board regarding the legislation of interest.

Ms. Nunez informed the Board that SB 963 has been amended to extend the sunset date for those boards scheduled to sunset next year. She added that our Board is up for sunset review in 2010, therefore, we are watching this bill to try and determine how our sunset review process will be handled.

With regards to SB 1526, Ms. Nunez noted the language doesn't itemize requirements for trainees. In addition, Ms. Powell, Legal Counsel, noted the language provides a definition for polysomnography that includes the use of respiratory devices under any circumstances. To clarify this provision and to remove the Board's opposition, a letter should be sent to Senator Perata requesting that the following subdivision be added to section 3575:

“(h) Nothing in this chapter shall be interpreted to authorize a polysomnography, technologist, trainee, or student, to treat, manage, provide diagnostic testing, control, or educate or care for patients other than those with sleep disorders.”

She also suggested the Board request the following language for trainees:

“(e) The Board shall adopt regulations January 1, 2010, that establish the means and circumstances in which a licensed physician and surgeon may employ polysomnographic technicians and polysomnographic trainees. Those regulations shall require technicians and trainees to have direct supervision by a registered polysomnography technologist or another licensed health care professional at the site and in the same vicinity at all times and a work permit issued by the Board. The work permit or any extension shall not exceed three years in cumulative time.”

This amendment will provide the Medical Board of California the means to maintain a complete registry of names of persons authorized to practice polysomnography and will allow the Board to continue to enforce its newly established regulations to reduce fraud and abuse in home care.

In addition, Ms. Nunez indicated that she would be testifying before the Assembly Business and Professions (B&P) Committee the following Tuesday to address the Board’s concerns.

Mark Goldstein, CSRC President expressed concerns with the recent amendment to SB 1526 to include “adaptive servo-ventilation” as part of polysomnography. Mr. Goldstein indicated that he would be working with Terry McHale, Legislative Advocate, to address the concerns of the CSRC, and would also be testifying at the Assembly B&P hearing.

#### **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None was received at this time.

#### **FUTURE AGENDA ITEMS**

- \* AARC - Creating a Vision for Respiratory Care in 2015 and Beyond
- \* Discussion regarding expert witness program.

#### **ADJOURNMENT**

The Public Session Meeting was adjourned by President Renner at 12:30 p.m.

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LARRY L. RENNER, RCP  
President

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STEPHANIE NUNEZ  
Executive Officer